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OFFICE OF PETITIONS

In re Application of	:	
Darren P. Chermack	:	
Application No. 10/655,112	:	ON PETITION
Filed: September 4, 2003	:	
Attorney Docket No. N/A	:	

This is a decision on the "Petition for Reconsideration under 37 CFR 1.181," filed September 19, 2005, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed November 28, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the above-identified application became abandoned on January 29, 2004. A Notice of Abandonment was mailed on July 14, 2005.

Petitioner asserts non-receipt of the Notice. The showing required to establish non-receipt of an Office communication must include a statement from the applicant stating that the Office communication was not received by the applicant and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in applicant's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statement and docket records have been submitted. As such, the petition is granted.

The file shall remain in the Office of Petitions for review of the "Petition under 37 CFR 1.53," submitted September 19, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy